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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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MELVIN L. MOBLEY, III,

Plaintiff,

*versus*YESSICA MEDINA MARTINEZ, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:17-CV-378

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Melvin L. Mobley, III, a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Yessica Medina Martinez, Maxwell Vine, Jherick M. Cambell, and James Cortes.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting defendant Cortes's motion for partial dismissal.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#38) is **ADOPTED**. Defendant Cortes's motion for partial dismissal (#15) is **GRANTED**. A partial judgment will be entered dismissing the claim that defendant Cortes failed to report or investigate the use of force.

SIGNED at Beaumont, Texas, this 26th day of June, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE